

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DARYL LAMAR BERRY,

Petitioner,

v.

DONALD R. HOLBROOK,

Respondent.

CASE NO. C18-1763-JLR

ORDER DENYING PETITIONER'S
HABEAS PETITION

The Court, having reviewed petitioner's petition for writ of habeas corpus, the Report and Recommendation of Mary Alice Theiler, United States Magistrate Judge, and the remaining record, does hereby find and Order:

(1) The Court adopts the Report and Recommendation;
(2) Petitioner's habeas petition and this action are DISMISSED as successive;
(3) Petitioner's amended in forma pauperis (IFP) application (Dkt. 5) is STRICKEN as moot;

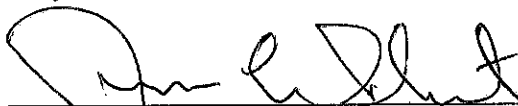
(4) The Clerk is directed to update the docket with petitioner's current mailing address;
and

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1 (5) The Clerk is directed to send copies of this Order to petitioner and to Judge Theiler.

2 DATED this ⁱⁿ 15 day of ^{March} ~~February~~, 2019. *JLR*

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4 JAMES L. ROBART
5 United States District Judge
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